

REMARKS

I. **ALLOWED CLAIMS**

Applicant wishes to thank the Examiner for allowing claims 38-49.

II. **DOUBLE PATENTING REJECTION**

Claims 1-15, 26-37, 51-53, and 55-59 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of U.S. Patent No. 6,621,889. Attached herewith is a Terminal Disclaimer disclaiming that portion of the term of any patent granted on the present application extending beyond the term of United States Patent No. 6,621,889. It is believed that the Terminal Disclaimer overcomes the double patenting rejection.

III. **INFORMATION DISCLOSURE STATEMENT**

Applicant submitted an Information Disclosure Statement on August 30, 2004. Applicant thanks the Examiner for initialing and indicating consideration of reference numbers 1-28 on forms PTO/SB/08A. However, we have not yet received confirmation that reference numbers 29-33 listed on page 2 of form PTO/SB/08A have been initialed and considered. Attached hereto is a copy of the forms PTO/SB/08A (2 pgs.) and PTO/SB/08B (1 pg.) that were initialed by the Examiner on 11/04. Applicant hereby respectfully requests that reference numbers 29-33 on page 2 of form PTO/SB/08A be initialed and considered by the Examiner.

CONCLUSION

Based on the foregoing, all remaining claims are believed allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7012092001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7012092001**.

Respectfully submitted,

Bingham McCutchen LLP

Dated: _____

2/17/05

By: _____



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